

Nos. 25-11612 & 25-11821

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

BEAR WARRIORS UNITED, INC., a Florida Not for Profit Corporation,
Plaintiff-Appellee,

V.

SECRETARY, FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,
Defendant-Appellant.

Appeal from the U.S. District Court for the
Middle District of Florida, No. 6:22-cv-2048
The Honorable Carlos Mendoza

**MOTION FOR LEAVE TO FILE CORRECTED BRIEF OF AMICI
CURIAE LAW PROFESSORS IN SUPPORT OF PLAINTIFF-
APPELLEE**

ALYSSA HUFFMAN
JACLYN LOPEZ
RACHAEL CURRAN
Jacobs Public Interest Law Clinic
for Democracy and the Environment
Stetson University College of Law
1401 61st St. S.
Gulfport, FL 33707
(813) 773-6810
ahuffman3@law.stetson.edu
(727) 490-9190
jmlopez@law.stetson.edu
(727) 537-0802
rcurran1@law.stetson.edu

Counsel for Amici Curiae Law Professors

CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rules of Appellate Procedure 26.1, as well as Eleventh Circuit Rules 26.1 and 27-1(10), the undersigned counsel hereby certifies:

Amici are American law professors. The Amici-Law Professors have no parent corporations and no publicly held corporation owns any portion of any amicus law professor.

The following is a complete list of all the known trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that may have an interest in the outcome of the case:

1. Babcock, Hope – Law Professor Amicus Curiae
2. Bear Warriors United, Inc. – Appellee
3. Blackner, Lesley G – Counsel for Appellee Bear Warriors United, Inc.
4. Blackner, Stone & Associates – Counsel for Appellee Bear Warriors United, Inc.
5. Blome, Jessica L. – Counsel for Appellee Bear Warriors United, Inc.

Nos. 25-11612 & 25-11821, *Bear Warriors United v. Secretary, Florida Department of Environmental Protection*

6. Boudreaux, Paul – Law Professor Amicus Curiae
7. Bradford, Susann M. – Counsel for Appellee Bear Warriors United, Inc.
8. Brown, Jeffrey – Counsel for Appellant Secretary Lambert
9. Brown, Karma B. – Counsel for Amici Florida Home Builders Association, Florida Onsite Wastewater Association, and National Onsite Wastewater Recycling Association
10. Center for Biological Diversity – Amicus Curiae and Counsel for Amici Curiae Center for Biological Diversity, Florida Springs Council, Indian Riverkeeper, Kissimmee Waterkeeper, Matanzas Riverkeeper, Miami Waterkeeper, Save the Manatee Club, Sierra Club, and Waterkeepers Florida
11. Clements, Elizabeth Carter Chandler – Counsel for Amici Florida Home Builders Association, Florida Onsite Wastewater Association, and National Onsite Wastewater Recycling Association

Nos. 25-11612 & 25-11821, *Bear Warriors United v. Secretary, Florida Department of Environmental Protection*

12. Colton, Bryan E. – Counsel for Appellee Bear Warriors United, Inc.
13. Consvoy McCarthy PLLC – Counsel for Appellant Secretary Lambert
14. Corbari, Kelley F. – Counsel for Appellant Secretary Lambert
15. Courchesne, Christophe – Law Professor Amicus Curiae
16. Curran, Rachael – Counsel for Amici-Law Professors
17. Defenders of Wildlife – Amicus Curiae
18. Doremus, Holly – Law Professor Amicus Curiae
19. Earthjustice – Counsel for Amici Curiae Center for Biological Diversity, Florida Springs Council, Indian Riverkeeper, Kissimmee Waterkeeper, Matanzas Riverkeeper, Miami Waterkeeper, Save the Manatee Club, Sierra Club, and Waterkeepers Florida
20. Florida Home Builders Association – Amicus Curiae
21. Florida Onsite Wastewater Association – Amicus Curiae

Nos. 25-11612 & 25-11821, *Bear Warriors United v. Secretary, Florida Department of Environmental Protection*

22. Florida Springs Council – Amicus Curiae
23. Flynn, Caroline A. – Counsel for Amici Curiae Center for Biological Diversity, Florida Springs Council, Indian Riverkeeper, Kissimmee Waterkeeper, Matanzas Riverkeeper, Miami Waterkeeper, Save the Manatee Club, Sierra Club, and Waterkeepers Florida
24. Greenfire Law, PC – Counsel for Appellee Bear Warriors United
25. Harris, Jeffrey M. – Counsel for Appellant Secretary Lambert
26. Houck, Oliver – Law Professor Amicus Curiae
27. Huffman, Alyssa – Counsel for Amici-Law Professors
28. Hunton Andrews Kurth, LLP – Counsel for Amici Florida Home Builders Association, Florida Onsite Wastewater Association, and National Onsite Wastewater Recycling Association
29. Indian Riverkeeper – Amicus Curiae
30. Jennings, Jeffrey D. – Counsel for Amici Save Crystal River

Nos. 25-11612 & 25-11821, *Bear Warriors United v. Secretary, Florida Department of Environmental Protection*
and Pacific Legal Foundation

31. Kissimmee Waterkeeper – Amicus Curiae
32. Lambert, Alexis, in her official capacity as Secretary of the Florida Department of Environmental Protection – Appellant
33. Leopold, Matthew Z. – Counsel for Amici Florida Home Builders Association, Florida Onsite Wastewater Association, and National Onsite Wastewater Recycling Association
34. Lopez, Jaclyn – Counsel for Amici-Law Professors
35. Matanzas Riverkeeper – Amicus Curiae
36. Mendoza, Honorable Carlos E. – Judge for the United States District Court for the Middle District of Florida
37. Miami Waterkeeper – Amicus Curiae
38. Miller, Mark – Counsel for Amici Save Crystal River and Pacific Legal Foundation
39. Molyneaux, Victoria – Counsel for Amicus Curiae Defenders of Wildlife

40. National Onsite Wastewater Recycling Association – Amicus Curiae
41. Nowlin, Michelle – Law Professor Amicus Curiae
42. Pacific Legal Foundation – Amicus Curiae
43. Parenteau, Patrick – Law Professor Amicus Curiae
44. Peterson, Erica N. – Counsel for Amici Florida Home Builders Association, Florida Onsite Wastewater Association, and National Onsite Wastewater Recycling Association
45. Plater, Zygmunt – Law Professor Amicus Curiae
46. Price, Honorable Leslie H. – Magistrate Judge for the United States District Court for the Middle District of Florida
47. Property and Environment Research Center (PERC) – Amicus Curiae
48. Rohlf, Daniel – Law Professor Amicus Curiae
49. Rivo, Lily A. – Counsel for Appellee Bear Warriors United
50. Save Crystal River – Amicus Curiae

Nos. 25-11612 & 25-11821, *Bear Warriors United v. Secretary, Florida Department of Environmental Protection*

51. Save the Manatee Club – Amicus Curiae
52. Sierra Club – Amicus Curiae
53. Snape, William J., III – Law Professor Amicus Curiae
54. Soares, Dylan P. – Counsel for Amicus Curiae PERC
55. Stetson University College of Law's Jacobs Public Interest Law Clinic for Democracy and the Environment – Counsel for Amici-Law Professors
56. Turner, Andrew J. – Counsel for Amici Florida Home Builders Association, Florida Onsite Wastewater Association, and National Onsite Wastewater Recycling Association
57. Venable, Nicholas B. – Counsel for Appellant Secretary Lambert
58. Waterkeepers Florida – Amicus Curiae
59. Weaver, Sierra B. – Counsel for Amicus Curiae Defenders of Wildlife
60. Weir, Bryan – Counsel for Appellant Secretary Lambert

61. Whitlock, Ragan – Counsel for Amici Curiae Center for Biological Diversity, Florida Springs Council, Indian Riverkeeper, Kissimmee Waterkeeper, Matanzas Riverkeeper, Miami Waterkeeper, Save the Manatee Club, Sierra Club, and Waterkeepers Florida
62. Winders, Delcianna – Law Professor Amicus Curiae
63. Wood, Jonathan – Counsel for Amicus Curiae PERC
64. Yates, Charles T. – Counsel for Amici Save Crystal River and Pacific Legal Foundation

Dated: October 9, 2025

/s/ Alyssa Huffman
ALYSSA HUFFMAN
Counsel for Amici-Law Professors

ARGUMENT

Pursuant to Federal Rules of Appellate Procedure 27 and Eleventh Circuit Rules 25-3(e) and 27-1(c)(2), Professors Hope Babcock, Paul Boudreaux, Christophe Courchesne, Holly Doremus, Oliver Houck, Michelle Nowlin, Patrick Parenteau, Zygmunt Plater, Daniel Rohlf, William J. Snape, III, and Delcianna Winders (collectively, Amici-Law Professors) respectfully move this Court for leave to correct their amici brief in support of Plaintiff-Appellee for the following reasons.

Amici-Law Professors filed their brief in support of Plaintiff-Appellee's principal brief by consent of the parties on October 2, 2025. On page 32 of the Amici-Law Professors' brief, counsel for Amici-Law Professors inadvertently misquoted a law review article, J.B. Ruhl, *State and Local Government Vicarious Liability Under the ESA*, 16 Nat. Res. & Env't 70 (2001). The attached brief removes the misquoted language.

Counsel for Amici-Law Professors consulted with counsel for the parties on this motion. Plaintiff-Appellees do not oppose the motion. Defendant-Appellants take no position on the motion.

CONCLUSION

WHEREFORE, Amici-Law Professors respectfully request that this Court grant leave to file the attached corrected brief of amici curiae in support of Plaintiff-Appellee's principal brief.

Respectfully submitted,

Dated October 9, 2025

/s/ Alyssa Huffman
ALYSSA HUFFMAN
Florida Bar No. 1068484
(813) 773-6810
ahuffman3@law.stetson.edu

/s/ Jaclyn Lopez
JACLYN LOPEZ
Florida Bar No. 96445
(727) 490-9190
jmlopez@law.stetson.edu

/s/ Rachael Curran
RACHAEL CURRAN
Florida Bar No. 1002221
(727) 537-0802
rcurran1@law.stetson.edu

Jacobs Public Interest Law Clinic
for Democracy and the Environment
Stetson University College of Law
1401 61st St. S.
Gulfport, FL 33707

Counsel for Amici-Law Professors

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g):

1. This document complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because this document contains 179 words, excluding the parts exempted by Federal Rule of Appellate Procedure 32(f).
2. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the typestyle requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in Century Schoolbook, 14-point font.

Dated: October 9, 2025

/s/ Alyssa Huffman
ALYSSA HUFFMAN
Counsel for Amici-Law Professors